NOTIFICATION.

No. S. R. 263—L. W. 55-43-5, dated Bangalore, 25th July 1947.

The following draft "Labour Associations Election Rules" framed under the provisions of sub-section 4 of Section 40 of the Mysore Labour Act 1942 (Act XIII of 1942) and agreeably to para 5 under "VIII Executive Committee" of the Appendix under Rule 4 (*b*) of the Mysore Labour Rules 1942 are hereby published for the information of the public. Objections or suggestions, if any on the draft rules may be sent to the undersigned on or before 1st September 1947 for consideration.

Objections or suggestions received after the said date will not be considered.

RULES.

Short Title.

1. These Rules shall be called the "Labour Associations Election Rules, 1943".

Definitions.

2. In these Rules, except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, namely;

(*a*) "The Act" means the Mysore Labour Act, 1942 (XIII of 1942);

(*b*) "Rules" means the Mysore Labour Rules, 1942;

(*c*) "Seat" "Election" and "Department" mean, respectively a seat in the Executive Committee and an Election or a Department for the purpose of filling such a seat;

(*d*) "Association" means the Labour Association registered under the Act.

Constitution of the Executive Committee of the Labour Association.

3. The Members of the Executive Committee including the office bearers shall be elected once in two years at the annual meeting of the general body of the members, provided that when the Association is newly formed the office bearers shall be elected at the end of six month unless at the first election more than 50 per cent of the employees in the undertaking had become members.

4. The members of the Executive Committee representing the several departments in the industrial undertaking or such group of department as may be designated by the Commissioner of Labour shall be

elected only by members of such department or group of departments, as the case may be, at or on such date or dates immediately preceding the annual meeting of the General Body of members as may be fixed and notified by the Commissioner of Labour or the Assistant Commissioner of Labour.

Notification of calendar of events for elections.

5. For the purposes mentioned in the preceding Rules 3 and 4, the Commissioner of Labour or the Assistant Commissioner of Labour shall notify the calendar of events in Form "A" appointing :

(*a*) a date for the publication of preliminary of Voters' list ;

(*b*) a date for the publication of final list of voters;

(*c*) a date on or before which notices of candidature are to be presented ;

(*d*) a further date, for the scrutiny of notices of candidature ;

(*e*) a further date, not later than the date next succeeding the date fixed for the scrutiny of notices of candidature, on or before which candidatures may be withdrawn ;

(*f*) a further date for the publication of the list of candidates standing for election ; and

(*g*) a further date or dates on which a poll shall, if necessary, be taken.

Preparation, revision and publication of voters' list.

6. The Association shall prepare and forward to the Assistant Commissioner of Labour a fortnight before the date fixed for the publication of voters' list, a list of members entitled to vote.

7. The Assistant Commissioner of Labour shall duly scrutinise the voters' list and publish the list by posting it on the Notice Board of the office and on the Notice Board of the industrial undertaking and the Association.

Qualification of voters.

8. Every member of the Labour Association satisfying the requirements of Rule VI of the Rules of the Labour Association under Rule 4 (*b*) of the Mysore Labour Rules shall be qualified to have his/her name entered in the list of voters.

Revision of voters' list.

9. Any person whose name is not entered in the list of voters published as aforesaid and who deems that he/she is entitled to have his/her name entered therein, and any person whose name is entered in the said list who

thinks that his/her name is wrongly entered therein may apply in writing within three days from the date of publication of the voters' list to the Assistant Commissioner of Labour for the amendment thereof.

10. The Assistant Commissioner of Labour shall, immediately on receipt of such applications, verify the statements made therein and publish any additions to or omissions from or corrections in the list which he shall discover to be necessary otherwise than on the application of any person interested therein, within a week after the period fixed for making application in the last preceding rule, for amendments.

Presentation of notice of candidature.

11. Election of members including office-bearers shall be by nomination.

12. (1) Notice of candidature shall be presented in form 'B' appended hereto and shall be delivered to the Assistant Commissioner of Labour on or before the date specified in the calendar of events between the hours of eleven o'clock in the forenoon and five in the afternoon.

(2) Candidature shall be either for an office-bearer or a committee member and not for both.

13. No person shall stand or be nominated for election who has at any time been removed from the office of office-bearer for misconduct in the discharge of his/her duties.

14. Not more than two of the office-bearers shall be honorary members of the Association of employees of private industrial undertakings.

15. In an Association of employees in an industrial undertaking conducted or carried on by a Department of the Government, any two Government servants, even though they are not employed in that undertaking, may be nominated as Honorary Members for election to seats of office-bearers.

16. Printed copies of notices of candidature shall be supplied to Labour Associations by the Assistant Commissioner of Labour.

Scrutiny of notices of candidature.

17. On the date fixed in the calendar of events for scrutiny of nominations, the Assistant Commissioner of Labour shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature, after such summary enquiry as he thinks necessary.

18. The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed.

Withdrawal of candidature.

19. (i) Any candidate may withdraw his candidature in writing subscribed by him and delivered to the Assistant Commissioner of Labour before 3 P.M. on the date fixed in the calendar of events for withdrawal of candidature :

Provided that if this day is a public holiday, the notice of withdrawal shall be considered as having been received in due time if it is presented before 5 P.M. on the next succeeding day which is not a public holiday.

(ii) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a fresh notice of candidature for the same election.

Notification of withdrawal.

20. The Assistant Commissioner of Labour shall, on receiving a notice of withdrawal under the last preceding rule, as soon as may be, cause a copy of such notice to be affixed in some conspicuous place in his office.

Publication of the list of candidates.

21. After the expiry of the period within which candidature may be withdrawn, the Assistant Commissioner of Labour shall, after assigning to each candidate any one of the colours, prepare a list in Form "C" showing the names of the candidates whose notices of candidature are valid and who have not withdrawn, with the colour assigned to them and with distinguishing particulars as to occupations, etc., if there are two or more candidates bearing the same name, and cause it to be fixed in a conspicuous place in his office.

Procedure after the publication of the list of candidates.

22. (i) if the number of candidates who have not withdrawn their candidature in the manner and within the time specified in rule 19 *supra* is equal to the number of seats to be filled, the Assistant Commissioner of Labour shall declare all such candidates to be duly elected.

(ii) if the number of such candidates is less than the number of seats to be filled, the Assistant Commissioner of Labour shall declare all such candidates to be elected, and call upon the Association to elect a member or members, as the case may be, to fill the remaining seat or seats within such time as may be specified in a notification in this behalf.

(iii) if the number of candidates exceeds the number of seats to be filled, a poll shall be taken on the date fixed in the calendar of events.

Disqualification or death of candidate before commencement of poll.

23. If a person whose candidature has been notified under rule 22, becomes subject to any of the following disqualifications or dies before the commencement of the Poll, the Assistant Commissioner of Labour shall, upon

being satisfied of the candidate's disqualification or death, cancel his/her name in the list of candidates and in the ballot papers if there is sufficient time to do so before the date fixed for polling :—

(*a*) if the person is of unsound mind,

(*b*) if the person is an undischarged insolvent,

(*c*) if the person has been convicted for any offence involving moral turpitude,

(*d*) if, having been a Legal Practitioner and stood for election as an Honorary Office-bearer of the Association, he has been debarred or is under suspension from practising as such by an officer of a competent court, the disqualifications in the latter case being operative during the period of such suspension :

Provided that a failure to make such cancellation shall not affect the election proceedings.

Conduct of elections.

24. Votes shall be given by ballot and in person and in the manner provided therefor in these rules. No votes shall be given by proxy.

Selection of polling stations, booths ond polling areas.

25. (1) The Assistant Commissioner of Labour shall select as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area to be known as polling area for each polling station or booth, as the case may be.

(ii) The Assistant Commissioner of Labour shall be the Returning Officer.

Appointment of Presiding and Polling Officers.

26. (*a*) The Deputy Commissioner of each District shall, on a requisition from the Commissioner or Assistant Commissioner of Labour, appoint polling officers of the rank and status of Amildars and above, one of whom shall be chosen by the Assistant Commissioner of Labour to be the Presiding Officer.

(*b*) The Deputy Commissioner of each District shall also requisition, if necessary, any Gazetted Officer (excluding officers of the Medical and Police Departments) to serve as Polling Officers.

Hours of polling.

27. The Commissioner of Labour or the Assistant Commissioner of Labour shall fix the hours at which the poll shall commence, and the hour at which it shall close on the date or days appointed for the poll. The hours fixed shall be notified on the Notice Board of the office and in such other places as he may deem necessary.

Duties of Presiding Officer.

28. The Presiding Officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be

admitted at one time and shall exclude all other persons except—

(*a*) the polling officers,
(*b*) the candidates,
(*c*) the police and other public servants on duty,
(*d*) such other persons as the Presiding Officer may from time to time admit for the purpose of identifying electors.

Arrangements for secrecy of voting.

29. Each polling station and, at a polling station having more than one polling booth, each such booth shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in the box.

30. In each polling compartment at each polling station, as many ballot boxes as there are candidates shall be provided, the box of each candidate bearing the serial number and the distinctive colour or colours assigned to him. A board shall also be provided on which is displayed in bold letters the name of each candidate, the serial number and the colour assigned to him.

31. Every ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked. The Presiding Officer at any polling station, immediately before the commencement of the poll, shall show the ballot boxes empty to such persons as may be present at such station, so that they may see that it is empty and shall then lock it up, and place his seal upon it in such manner so as to prevent its being opened without breaking such seal. He shall thereafter place the box so locked and sealed inside the polling compartment for the receipt of ballot papers, but secured from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in it.

Form of ballot paper.

32. Every ballot paper shall be in forms D (i) and D (ii), respectively, according as election is for office-bearers or for members of the Executive Committee and shall have a counterfoil attached to them.

Number of votes to be recorded by elector.

33. At elections in which not more than one seat has to be filled, a voter shall be given only one ballot paper which shall be placed in the ballot box bearing the serial number and the colour assigned to the candidate for whom he desires to vote.

34. At elections in which more than one seat has to be filled, the voters shall be given as many ballot papers as there are seats to be filled and the Presiding Officer or Polling Officer shall explain to the voter that he may place all the ballot papers in the ballot box of one candidate or distribute them as he thinks fit and place them in different ballot-boxes.

Procedure before ballot paper is delivered to elector.

35. Immediately before a ballot paper is delivered to the elector, the number, name and discription of the elector as stated in the Electoral Roll shall be verified and entered on the counterfoil and a mark shall be placed on a copy of the Electoral Roll against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

Manner of recording votes after receipt of ballot papers.

36. The elector on receiving the ballot paper or papers shall forthwith proceed into the polling compartment and there place the ballot paper or papers in the box or boxes according to his choice. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted.

37. (i) If an elector is incapacitated from blindness or other physical cause from voting in the manner prescribed in the last preceding rule, the Presiding Officer shall ascertain from him for whom he wishes to vote and shall in the presence of any candidate who may be present, place the ballot paper in the box bearing the serial number and the colour assigned to the candidate for whom he wishes to vote.

(ii) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub-rule (i), a note shall be made on the counterfoil by the Presiding Officer of the reason why it was so dealt with.

Spoilt ballot papers.

38. An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering to the Presiding Officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt paper and the latter shall together with its counterfoil be marked as cancelled by the Presiding Officer.

Identity of electors.

39. The Presiding Officer or the Polling Officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any person who declines to answer any reasonable question put to him for this purpose or whose indentity is not established to his

satisfaction. The Presiding Officer is also responsible for seeing that the votes are recorded with absolute secrecy, that no person who is entitled to vote is admitted near the table, and that the persons who have recorded their votes leave the place immediately.

Procedure on closing the poll.

40. The Presiding Officer of each Polling Station as soon as practicable after the close of the poll shall, in the presence of any candidates who may be present, make up into separate packets the following and affix a seal thereon :—

(i) the unused ballot papers,
(ii) the spoilt ballot papers,
(iii) the marked copy of the electoral roll, and
(iv) the counterfoils of ballot papers.

Statement by the Polling Officer.

41. The packets shall be accompanied by a statement in a separate cover in Form 'E' by the Polling Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused and spoilt ballot papers dealt with under rule 32.

42. The ballot boxes and the packets and statements referred to in the last preceding rule shall be handed to or despatched to the Assistant Commissioner of Labour.

Postponement or adjournment of poll.

43. In emergencies, the Assistant Commissioner of Labour may close the poll and announce the postponement or adjournment of the poll and report the fact to the Commissioner of Labour.

Counting of votes.

44. On closing the poll or on the day following it, the counting of votes shall commence.

45. (i) Votes shall be counted by the Assistant Commissioner of Labour or by such other persons as he may authorise under his supervision, in the presence of such candidates as may be present and proceeded with continuously.

(ii) No person shall be appointed to assist in counting votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

Grounds for rejection of ballot papers.

46. A ballot paper shall be rejected if—

(*a*) it bears any mark by which the elector can be identified,

(*b*) it is void for uncertainty.

Declaration of result.

47. When the counting of votes has been completed, the Assistant Commissioner of Labour shall forthwith declare the candidate or candidates, as the case may be, to

whom the largest number of votes has been given to be elected, and report the results of election in form 'F' to the Commissioner of Labour in Mysore, to the Secretary, Labour Association and to the Management of the industrial undertaking concerned.

Procedure in case of equality of votes.

48. Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Assistant Commissioner of Labour and in such manner as he may determine.

General.

49. The decision of the Commissioner of Labour in Mysore on any question arising out of, in connection with or incidental to, election at any stage shall be final.

50. No act done or proceedings taken under, or with reference to, these rules shall be called in question by means of a suit or otherwise in a Court of Law.

Preservation of voting papers.

51. When the voting papers have been scrutinised, they shall forthwith be replaced in the ballot boxes from which they were taken and these boxes after being locked and sealed shall be kept by the Assistant Commissioner of Labour in safe custody.

52. The voting papers shall be preserved for a period of three months from the date of election and shall thereafter be destroyed.

FORM 'A'.

Calendar of Events for Election to the Executive Committee of the Labour Association.

1. Date of publication of voters' list.....

2. Date for receipt of applications for amendment of voters' list.....

3. Date of publication of final list of voters.....

4. Date of receipt of nominations.....

5. Date for the scrutiny of notices of candidature.....

6. Date and hour for presentation of notice of withdrawal of candidature.....

7. Date of publication of the list of candidates standing for election.....

8. Date of polling.....

FORM 'B'. (*Rule 12*)

NOMINATION FORM.

1. Name of the Association.....
2. Name of Candidate.....
3. Ticket No. and Section.....
4. Age in completed years.....
5. Address of the Candidate.....
6. Name of the proposer and the seat to which the candidate is proposed.....
7. Signature of the proposer with date.....
8. Name of seconder.....
9. Signature of seconder with date.....

DECLARATION BY CANDIDATE.

I hereby declare that I am willing to serve as a member of the Executive Committee/Office-bearer of the abovenamed Association if I am elected.

Place.....

Date..... *Signature of the Candidate.*

FORM 'C'

LIST OF CANDIDATES FOR ELECTION.

(*Rule 21.*)

NAME OF LABOUR ASSOCIATION.

Sl. No.	Name of candidate.	Address of candidate.	Distinctive colour assigned to candidate.

The poll will be taken on.....194 of.....194 between.....and.....

Assistant Commissioner of Labour.

FORM D (i)

BALLOT PAPER.

Election of Office-bearers.

Counterfoil.

Date.....

Name of Labour Association.

Seat contested.

Voter's number on the Voters' list. ...
Department ...
Ticket No. ....
Voter's signature or thumb impression. ...

Outerfoil.

Date.....

Name of Labour Association.

Seat contested.

Sl. No.	Names of candidates.	Colours assigned.

N.B.—You have only *one* vote.

FORM D (ii)

BALLOT PAPER.

Executive Committee Membership.

Counterfoil.

Date.....

Name of Labour Association.

Voter's number on the Voters' list. ...
Department ...
Ticket No. ...
Voter's signature or thumb impression. ...

Outerfoil.

Date.....

Name of Labour Association.

Sl. No.	Names of candidates	Colours assigned

N.B.—1. You have.....votes.

2. You may place all the ballot papers in the ballot box of one candidate or distribute them as you think fit and place them in different ballot boxes.

FORM 'E'

BALLOT PAPER ACCOUNT.

Name of the Labour Association.....

1. Total number of voters.
2. Total number of Ballot papers entrusted to the Polling Officer.
3. Number of Ballot papers used.
4. Spoilt Ballot papers.
5. Balance that should be in the box.
6. Number of unused Ballot papers.

Date *Polling Officer.*

FORM 'F'

Return of the Results of Election of the.....
.....held on the.....

Composition of the Executive Committee	No. of Seats	Names of the candidates standing for election	No. of valid votes recorded in favour of the candidate
President ...			
Vice-President ...			
Secretary ...			
Assistant Secretary.			
Treasurer ...			

Members of the Executive Committee.

Department.

Total number of valid Ballot papers ... ...
Number of Ballot papers declared invalid on whole or part ... ...

I do hereby declare that
President ..... Labour Association,
Vice-President do
Secretary do
Assistant Secretary do
Treasurer do
Members of the Executive Committee.
have been duly elected on the .....
One thousand nine hundred and .....

Assistant Commissioner of Labour.

MOHAMED ISMAIL SHERIFF, *Genl. Secy.*

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